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Attorney for Plaintiff,
LEIF SKOOGFORS,

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LEIF SKOOGFORS, Plaintiff, v. MILTON ALLIMADI d/b/a BLACK STAR NEWS Defendant.	Case No. ______________________ **COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF FROM COPYRIGHT INFRINGEMENT** **DEMAND FOR JURY TRIAL**

Plaintiff Leif Skoogfors, for his Complaint against Milton Allimadi d/b/a Black Star News, Defendant, alleges as follows:

INTRODUCTION

1. Leif Skoogfors (hereinafter “Plaintiff”), by counsel, brings this action to challenge the actions of Milton Allimadi d/b/a Black Star News (hereinafter “Defendant”), with regard to the unlawful use of one (1) copyrighted image

(hereinafter "Image") owned by Plaintiff, and this conduct caused Plaintiff damages. This Court has subject matter jurisdiction over Plaintiff's claims for copyright infringement pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

2. For the purposes of this Complaint for Damages, unless otherwise indicated, "Defendant" includes all agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogates, representatives and insurers of Defendant(s) named in this caption.

JURISDICTION AND VENUE

3. This is a civil action seeking damages and injunctive relief for copyright infringement under the Copyright Act of the United States, 17 U.S.C. § 101, whereby the Defendant violated Plaintiff's exclusive rights as copyright owner pursuant to 17 U.S.C. §§ 106 and 106A.

4. This Court has subject matter jurisdiction over Plaintiff's claims for copyright infringement pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

5. This Court has personal jurisdiction over Defendant because Defendant resides in the State of New York, Defendant's principal place of business lies within the State of New York, Defendant's acts of infringement complained of herein occurred in the State of New York, and Defendant has caused injury to Plaintiff in his intellectual property within the State of New York.

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6. Venue is proper pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to Plaintiff's claim occurred in this judicial district. Alternatively, venue is also proper pursuant to 28 U.S.C. § 1400(b) because the Defendant resides in this judicial district, committed the acts of infringement in this judicial district, and has a regular and established place of business in this judicial district.

PARTIES

7. Plaintiff is a natural person who resides in the City of Marblehead in the State of Massachusetts and is a professional photographer by trade.

8. Plaintiff is a "copyright owner" who holds "exclusive rights" to his "copyrighted work[s]" pursuant to 17 U.S.C. §§ 101, 106, 106A.

9. Plaintiff is informed and believes, and thereon alleges, that Defendant is an individual residing in the City of Bronx, in the State of New York, and conducted business within the City of Bronx, in the State of New York.

10. Plaintiff is informed and believes, and thereon alleges, that Defendant is an individual who unlawfully published Plaintiff's copyrighted work without Plaintiff's express or implied authority, by the method of a license.

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FACTUAL ALLEGATIONS

11. At all times relevant, Plaintiff was an individual residing within the State of Massachusetts and within this judicial district.

12. Plaintiff is informed and believes, and thereon alleges, that at all times relevant, Defendant was an individual residing in the State of New York and in this judicial district.

13. Plaintiff is a professional documentary photographer and educator by trade. Plaintiff has worked extensively for publications including Time magazine and Newsweek. Plaintiff has documented anti-war movements and social issues around the world since he began his freelance photography career in 1962. Plaintiff's work has been featured in permanent collections in The Philadelphia Museum of Art, The George Eastman House, The Corcoran Gallery of Art, and Princeton University. Plaintiff's livelihood is dependent on receiving compensation for the photographs he produces.

14. Plaintiff took the Original Image. *See* Original Image attached hereto as Exhibit A.

15. Plaintiff has ownership and copyright of the Image.

16. Plaintiff has registered the Image with the United States Copyright Office under Registration Number VA 863-783.

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17. Plaintiff has provided multiple notices to Defendant that the Image are subject to copyright and to cease use of the Image.

18. Plaintiff did not consent to authorize, permit, allow in any manner the use of the Image by Defendant.

19. Plaintiff is informed and believes that Defendant used Plaintiff's copyrighted works without his permission and that it published, communicated, benefited through, posted, publicized and otherwise held out to the public for commercial benefit, the original and unique work of Plaintiff without Plaintiff's consent or authority, and acquired monetary gain and market benefit as a result.

20. Plaintiff is informed and believes that Defendant used the Image on its business website in two separate locations from as early as November 16, 2015. *See* Screenshots of Defendant's use attached hereto as Exhibit B.

21. Plaintiff is informed and believes that Defendant used the Image within an article titled "The Late Shirley Chisholm And 16 Others Awarded Presidential Medal of Freedom" published by Defendant on November 16, 2015. *See* Exhibit B.

22. Plaintiff is informed and believes that Defendant used the Image within a second article titled "Medal Of Freedom Honoree Shirley Chisholm Never Stood On The Sidelines Of Life – Rangel" published on November 25, 2015. *See* Exhibit B.

23. Defendant used the Image to promote the Defendant's business.

24. Plaintiff did not consent to the use of his Image for commercial gain.

25. Plaintiff notified the Defendant of the infringements on March 31, 2016 by sending Defendant a packet of information containing applicable screenshots of Defendant's use of the image on its website, as well as proof of ownership of the image and copyright by Plaintiff.

26. Defendant was unresponsive to Plaintiffs attempts to settle this claim, and was unwilling to work with Plaintiff.

27. Plaintiff attempted to give Defendant fair warning of the potential escalation of this claim on June 9, 2016 by sending Defendant a sample of the complaint in which Plaintiff intended to file, but Defendant was not interested in entertaining further attempts at resolution by Plaintiff.

28. Plaintiff again attempted to contact and resolve this matter with Defendant without the need for litigation in order to avoid further delay and costs, but Defendant has been unresponsive and unwilling to settle the matter amicably with Plaintiff.

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FIRST CAUSE OF ACTION

COPYRIGHT INFRINGEMENT

Title 17 of the United States Code

29. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

30. Plaintiff did not consent to, authorize, permit, or allow in any manner the said use of Plaintiff's unique and original materials and/or work.

31. Plaintiff is informed and believes and thereon alleges that said Defendant infringed upon Plaintiff's copyrighted works in violation of Title 17 of the U.S. Code, in that it published, communicated, benefited through, posted, publicized, and otherwise held out to the public for commercial benefit, the original and unique work of the Plaintiff's consent or authority and acquired monetary gain and market benefit as a result.

32. As a result of each and every Defendant's violations of Title 17 of the U.S. Code, Plaintiff is entitled to actual damages and profits pursuant to 17 U.S.C. §504(b), or statutory damages in an amount up to $150,000.00 for each infringement pursuant to 17 U.S.C. § 504(c).

33. As a result of the Defendant's violations of Title 17 of the U.S. code, the court in its discretion may allow the recovery of full costs as well as reasonable attorney's fees and costs pursuant to 17 U.S.C § 505 from Defendant.

34. Plaintiff is also entitled to injunctive relief to prevent or restrain infringement of his copyright pursuant to 17 U.S.C. § 502.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant

- Awarding Plaintiff statutory damages in an amount up to $150,000.00 for each infringement pursuant to 17 U.S.C. § 504(c);
- Awarding Plaintiff costs of litigation and reasonable attorney's fees, pursuant to 17 U.S.C. § 505;
- Enjoining the Defendant from further infringement of all copyrighted works of the Plaintiff pursuant to 17 U.S.C. § 502; and
- Awarding any other relief the Court deems just and proper.

Dated: May 5, 2017

Respectfully submitted,

/s/ Rayminh L. Ngo
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Counsel for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff, Leif Skoogfors, hereby demands a trial by jury in the above matter.

Dated: May 5, 2017

Respectfully submitted,

/s/ Rayminh L. Ngo
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